

1                                   **IN THE UNITED STATES DISTRICT COURT**  
2                                   **FOR THE DISTRICT OF PUERTO RICO**

3  
4   **UNITED STATES OF AMERICA,**

5       **Plaintiff,**

6       **v.**

**CASE NO. 12-2039 (GAG)**

7   **COMMONWEALTH OF PUERTO RICO,**  
8   **et al.,**

9       **Defendants.**

10  
11                   **ORDER DIRECTING THE POLICE MONITOR TO CONDUCT A SPECIAL**  
12                   **ASSESSMENT OF PRPB'S RESPONSE TO RECENT PROTESTS AND MASS**  
13                   **MANIFESTATIONS**

14           As a general matter, the Federal Police Monitor is authorized to assess the  
15 Commonwealth's compliance with the crowd control provisions of the Reform Agreement, and  
16 other relevant provisions related to use of force and civilian complaints. However, in light of the  
17 sustained and targeted demonstrations that have taken place over the last two weeks and the special  
18 circumstances involved, the Court hereby directs the Monitor to conduct a special assessment of  
19 PRPB's response to crowd events related to the Governor, pursuant to Paragraph 227 of the Reform  
20 Agreement. This special assessment is intended to determine whether PRPB has properly  
21 implemented required reforms designed to ensure that civil rights are upheld, including during  
22 times of mass demonstrations and protests. The special assessment is not intended to replace the  
23 internal investigations and reviews required of PRPB by the Reform Agreement related to crowd  
24 control, arrests, use of force, and civilian complaints.

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1 Cognizant of the extraordinary circumstances presented by the crowd events of the last two  
2 weeks, the Court deployed the Monitor, John Romero, and his team of policing experts to various  
3 locations in the field to ensure that the conditions and premises of the Reform Agreement are in  
4 place. The Court also deployed the Special Master and Assistant Special Master to the field to  
5 assist with fact-gathering activities. Thus, the Monitor and his team are poised to include first-  
6 hand observation and contemporaneous assessment as part of their compliance review.

7 The Monitor, during the days of protests, made observations and provided daily reports to  
8 the Court. These daily reports are preliminary in nature and will be eventually shared with the  
9 public as part of a final, comprehensive report on the Monitor's findings and recommendations.

10 At the time of the protests, the monitor did not make or order tactical decisions on any of  
11 the police operations. Instead, he observed, gathered evidence, and complied with the Court's  
12 request to monitor all police activities before, during, and after the protests.

13 The Monitor is currently gathering information on the complaints related to the use of force  
14 by PRPB towards protestors during the 12 days of protests and manifestations. PRPB officers also  
15 have an affirmative duty under the Reform Agreement to report use of force and to review and  
16 investigate such force in a timely, objective, and thorough manner. The Monitor shall include  
17 PRPB's internal systems of accountability on use of force as part of his compliance assessment.

18 The Monitor will also confirm that the PRPB is addressing all the complaints filed by the  
19 public regarding claims of excessive use of force. The Monitor will handle all complaints received  
20 in accordance with established protocols. See Order Regarding Protocols for the Handling of  
21 Civilian Complaints and Community Engagements, ECF No. 331 (Mar. 7, 2016). This Order does  
22 not alter or modify PRPB's responsibilities under the Reform Agreement to accept and investigate  
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1 civilian complaints, and individuals are encouraged to submit their complaints directly to PRPB.

2 See PRPB website at <https://policia.pr.gov>.

3         The role of the Monitor is to ensure that the PRPB is acting under the conditions of the  
4 Reform Agreement by ensuring that each citizen is afforded the opportunity to file a complaint  
5 and for such complaint to be investigated fairly, objectively and without any retaliatory  
6 consequences.

7         If the federal monitor finds evidence to suggest excessive force was used by PRPB towards  
8 the protestors or other individuals, he has the obligation to refer the matter to the PRPB, FBI and/or  
9 any other relevant investigatory agency.

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11         **SO ORDERED.**

12         **In San Juan, Puerto Rico this 30th day of July 2019.**

13                                 *s/ Gustavo A. Gelpí*  
14                                 **GUSTAVO A. GELPÍ**  
15                                 **United States District Judge**  
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